

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Lisa Johnson

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

v.

Washtenaw County Road
Commission
Sheryl Siddall, Director

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Pursuant Act 236, Property at N Territorial and Portiac Trail and proposed Washtenaw County Road Commission (WCRC) project requires immediate attention and resolution. Pursuant Act of MI 34 1978, regarding fencing boundaries, illegal distances from road and livestock fence, building fencing, septic permits on two parcels, the county must stop activity. Work started has left a dangerous zone for drivers, whom are falling in ditches, where trees once were. It is a serious liability for people and animals. Endangered species Act 16, 1973 has been violated and no further work should be permitted, as the endangered bats were present the first day of their work.

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Lisa Johnson</u>
Street Address	<u>3000 Green Road #130364</u>
City and County	<u>Ann Arbor, Washtenaw</u>
State and Zip Code	<u>Michigan 48105</u>
Telephone Number	<u>734-904-7611</u>
E-mail Address	<u>lisa@12p@msn.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Washtenaw County Road</u>
Job or Title (if known)	<u>Commission</u>
Street Address	<u>555 N Zeeb</u>
City and County	<u>Ann Arbor, Washtenaw</u>
State and Zip Code	<u>Michigan 48103</u>
Telephone Number	<u>734-761-1500</u>
E-mail Address (if known)	<u>siddalls@wccroads.org</u>

Defendant No. 2

Name	_____
Job or Title (if known)	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address (if known)	_____

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Defendant No. 3

Name _____
 Job or Title _____
 (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address _____
 (if known) _____

Defendant No. 4

Name _____
 Job or Title _____
 (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address _____
 (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

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A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Act 236, 600.2932 455.112
MI Act 34, 1978
ESA 16, 1973

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____,
is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____,
is incorporated under the laws of the State of (name) _____,
and has its principal place of business in the
State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of (foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated
under the laws of the State of (name) _____, and
has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of
(foreign nation) _____, and has its principal place
of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

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3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

The federal grant is over one million dollars. In order to proceed, the county would likely have to purchase the entire parcel due to lack of septic space, which would be over \$500,000.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The county was told about the safety of entering the property, due to livestock issues, for two years. There are ongoing issues about fencing, leaving gates open, damaging the property, retaining wood, failure to address unsafe distances to septic areas on two parcels and entirely potentially covering septic permit area, if project were to continue. Continued lack of coordination with property owners has provoked a dangerous environment for drivers, animals, contractors and area residents. The endangered bats have been there since the start and work continued, without regard to warnings. Without mutual cooperation, the project would have continued problems. The design is dangerous, as well as the proposed environment, it is anticipated to be built on.

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IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

We ask the court to have the engineers go back and review the design. The plan is dangerous, destructive to the environment and it has serious liability consequences. The family asks for a settlement of fence replacement, replanting trees and repayment of cut chains, locks, emotional distress, physical * and financial reimbursement from the last two years. Inability to sell home and office and lost jobs = Four million as well as prison sentence for killing our horse on behalf of the project.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 4, 2022.

Signature of Plaintiff

Printed Name of Plaintiff

Lisa Johnson
Lisa Johnson

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Additional Information:

Please see attachment A

Attachment A

TO: United States District Court, Ann Arbor
200 E. Liberty Street, Ann Arbor, MI 48104

313-202-6458

Lisa Johnson
Plaintiff

v.
Washtenaw County Road Commission (WCRC)
Defendant

For matters related to the **federal grant** for the purposes of traffic management at corner of Pontiac Trail and North Territorial, Ann Arbor, Michigan, 48105 the following matters are of need for "speedy and just determination," as noted in the Rules of Civil Procedures, which have been unsuccessfully resolved in previous court sessions.

Pursuant § 455.112. Property; acceptance of gift, devise or bequest; holding and Judicature Act 236, 600.2932
(1) Any person, whether he is in possession of the land in question or not, who claims any right in, title to, equitable title to, interest in, or right to possession of land, may bring an action in court against any other persons who claim or might claim any interest inconsistent with the interest claimed.

Several serious federal laws have been violated, and unresolved matters follow

1. Proposed round-about comes from a hill, which disallows visible oncoming traffic, from the 5832 property, or oncoming drivers, approaching the section, creating a dangerous blind spot point for drivers and those entering the farm use property.

2. The parcel section, where the proposed road expands onto, goes dangerously close to a pond, where flooding and wildlife ecosystem preservation issues are in danger, as well as driving safety.

3. Existing fencing has been removed, whereas it is the responsibility of the county to adhere to the Michigan fencing law. § 43.51. **Act 39**

Sec. 1. As used in this act, "fence" means a structure or natural barrier which is sufficient to confine an animal as defined in section 1 of Act No. 328 of the Public Acts of 1976, being section 433.11

4. With the fencing removed along Pontiac Trail, horses, whom have resided for decades at the property, are in danger, as well as those who frequent in and around the property.

5. The existing fence, around the building, is an illegally short distance, to the proposed road edge and covers the pre-approved **Washtenaw County Health Department septic permit** zone. The county "signed off" on the project, which ultimately received approval and permits from the state's Bureau of Construction Codes, without thoroughly analyzing the permits and present property issues.

6. Proposed land use, for the project, removes acreage for exercising the horses, whom have resided there for decades. The present space violates equine space standards.

The county failed to offer advanced notice, whereby a whole fence has been removed, leaving no tree shelter, safe harbor or adequate space for the livestock, at the time of the tree removal and presently.

7. Those associated with the country have hired outside individuals, including the neighbor, to monitor in and around the three parcels 24 hours a day, for the last two years, involving harassment, danger and abuse for

children, destruction of property, of buildings and vehicles, thousands of dollars in financial loss and emotional/physical pain of the family, pets and livestock, for regularly stated reasons to break the family and be assured of retaining the properties for the proposed road project. The said criminal ring is responsible for the death, by design, of my horse, for the purposes of reducing the equine land use requirements.

Due to the stated farm use designation, adequate space for managing our plants/crops, livestock and pond are not possible. These parties are in violation § 455.63. Section 13; § 455.11. Property; injury or destruction, penalty, whereas the neighbor, son and associates threw sharp objects, opened gates and pushed the horses onto roads, drove three-wheelers into the fence to scare them, deliberately teased the horses, to provoke a reaction, hid in the trees and shot nerf guns at them, attempted to poison, break their necks and related abuses for two years, violating Sec. 437. EXPOSING POISONOUS SUBSTANCES WHERE LIABLE TO BE EATEN BY BEASTS. **Killing a horse is a federal crime.**

8. The septic for the dental office parcel is dangerously close to the proposed road.

9. The heavy trucks traveling from the road, driveway and onto the private property, have ruined the existing driveway, and space where the trees were, have left a huge ditch, which drivers have fallen in and it is in a dangerous condition. The county failed § 462.323. *Construction and maintenance of farm crossings; establishment and use of other private crossings.*

9. I was told that my child, animals and I were not allowed on the property, whereas § 213.176. Sec. 6 states "(the county) May enter property

Provided, That *no person interested as owner, or otherwise, in*

any of the property described in such determination, shall be required to vacate any lands or premises or move any dwelling house or other building until after the damages, if any,

determined as aforesaid, for the taking of such property have been paid or tendered, and the

notices given, in accordance with the provisions of sections 4, 4a, 5 and 6 of the fence act." We must be free to come and go as needed.

10. On the first day the county entered the property, the WCRC was told that the bats, protected by the Federal Endangered Species Act, were present and the trees could not be cut down. The county representative, Dean, said he did not care, he had until April and I was told to leave the area. The country worked quickly to remove the trees, despite warning of the allowed time frame, to cut the trees, which had expired.

We have lived there for nearly three decades and know the bat circulation and patterns.

"The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. There are regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Notice published under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Lori Nordstrom, Assistant Regional Director, Ecological Services.

[FR Doc. 2022-08474 Filed 4-19-22; 8:45 am]"

The timing of the select tree cutting must occur prior to the roosting and breeding season of the northern long-eared and Indiana bats that have the potential to roost in trees and forests surrounding Little Round Top. Both species of bat are on the federal endangered species list and the select tree cutting project must be completed before their anticipated arrival in early spring when nesting activities typically begin.

On Wednesday, March 23, 2022, the U.S. Fish & Wildlife Service (the Service) published a rule proposing to reclassify the northern long-eared bat (*Myotis septentrionalis*), a bat species found in all or portions of 37 U.S. States (including Arkansas), the District of Columbia, and Canada, as an endangered species under the Endangered Species Act (ESA, or 'the Act'). See 87 Fed. Reg. 16,442 (Mar. 23, 2022). The northern long-eared bat is currently listed as a 'threatened' species with a species-specific Section 4(d) Rule. *Id.*

The county was informed that the bats were there and the response was that, "It was not until April," and the representative was going to carry on as he so pleased. They stopped working after April 1. The safe period had already ended before they started, thereby **violating the Endangered Species Act regulations**

11. The road edge is too close to the building, and is dangerously close to a garden set to attract endangered and threatened butterflies, where road run-off will affect both the pond and gardens, staged for farm use.

We ask that the court quickly dismiss this proposal and call on engineers to redirect the plans to an alternate location, if it is really deemed necessary. *We are demanding clarification of property ownership, especially with respect to illegal fence placement, septic driver and private citizen safety issues on farm use property.*

4-28-22

JS 44 (Rev. 10/20)

CIVIL COVER SHEETCounty in which action arose: Washtenaw

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFSLisa Johnson(b) County of Residence of First Listed Plaintiff Washtenaw
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTSWashtenaw County Road CommissionCounty of Residence of First Listed Defendant Washtenaw
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 495 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

NE Act 34 Fencing for environmental issues
project, due to septic, flooding, fencing, equine, wildlife issues.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Carol KuhnkeDOCKET NUMBER 22-197-CHDATE
October 15, 2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

This submission is about new federal issues

If yes, give the following information:

☐ Yes
☒ No

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: Washtenaw County Trial Court

Case No.: 21-001288-CC

Judge: Carol Kuhnke

Notes : All the issues submitted are new.